

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9297 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KANAIYALAL SURAJRAM RAVAL

Versus

DY.SECRETARY

Appearance:

MR PJ YAGNIK for Petitioner

MR HH PATEL, AGP for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/08/1999

ORAL JUDGEMENT

1. Heard learned counsel for the parties.

2. It is the grievance of the petitioner that he was appointed as daily-wager cook and after completion of five years as daily-wager he was appointed as cook in the pay-scale of Rs.200-250 under the office order dated 11.7.1990. Next grievance of the petitioner is that in the Gujarat Civil Services (Revision of Pay) Rules, 1987

pay-scale for the Cook has been fixed as Rs.950-1400 which benefits have not been granted to the petitioner during the period he was in service and even after his retirement.

3. The petitioner states that as per the recommendations of the High Level Committee for removal inconsistencies in recommendations of the Pay Commission by resolution declared the cadre and designation of Cook and Khansama to be equal and making all of them eligible for new pay-scale of Rs.950-1500. Junior Cook has got received the benefits of new pay-scale aforesaid, but the petitioner was not given. Hence, this Special Civil Application before this court.

4. The respondent No.3 filed reply to the Special Civil Application and contended that it is not the case where the petitioner has been subjected to any discrimination. The pay-scale of Rs.950-1500 has been fixed for Khansama/Chief Rasoiya. Whereas for the post of Cook pay-scale has been fixed Rs.750-1025 which pay-scale has been given to the petitioner.

5. This is a case of pay anomaly for which the Government of Gujarat, Finance Department vide its Resolution No.PGR-1098-34-M dated 20.5.1998 constituted the Pay Anomalies Committee to examine representations of pay anomalies and allied matters of the employees in the State of Gujarat. Terms and conditions of the reference to the Committee are also specified in that resolution and therefrom I find that pay anomalies arising out of the Gujarat Civil Services (Revision of Pay) Rules, 1997 are falling in the terms and conditions of the reference.

6. This Special Civil Application is disposed of at this stage with the directions to the petitioner to approach to the Committee aforesaid by filing detail representation and in case such representation is filed, then that Committee will consider and decide the same. In case the petitioner is not satisfied with the decision given by the Committee aforesaid, liberty is granted to him for revival of this Special Civil Application. Rule discharged.

(S.K.Keshote,J.)

(pathan)